

**DURHAM, NORTH CAROLINA
TUESDAY, SEPTEMBER 3, 2002
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Excused Absence: Mayor Bell.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, Deputy City Clerk Linda Bratcher and Records Management Coordinator Lisa Fuller.

Mayor Pro Tempore Cheek called the meeting to order with the Pledge of Allegiance and announced that the Mayor was in China.

Council Member Cole-McFadden congratulated NCCU on their victory over N. C. A&T, and Duke University's win over East Carolina. Also, she thanked the Carolina Theatre staff for their involvement during the BET taping.

Council Member Clement applauded the Durham Bulls for their win.

Council Member Edwards announced that she will have office hours on Fridays from 9 am to 12 noon beginning September 6, 2002.

Council Member Cole-McFadden requested that the establishment of a Youth Commission be added to the September 5, 2002 Work Session agenda.

Council Member Clement expressed concern about the September 26 Work Session date.

City Attorney Blinder briefed Council noting the City Manager's agenda schedule is consistent with Council's Rules and Procedures.

Mayor Pro Tempore Cheek announced that Danny Mangum of American Eagle Towing & Recovery has been nominated for the Governor's Award for Bravery and Heroism as a result of an incident that occurred on August 14 and will be asking for a resolution.

Mayor Pro Tempore Cheek asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner made comments about the following items added to the revised agenda A) Designation of Finance Officer, Deputy Finance Officer, Tax Collector/Collector of Revenue and Deputy Tax Collector/Deputy Collector of Revenue and B) Status of Water Conservation Ordinance.

Terry Rolan, Environmental Resources Director, updated Council on the weekly water supply. He noted that at the present time, the City has discontinued purchase of water from Cary due to rising lake levels.

There were no priority items from the City Attorney and City Clerk.

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Mayor Pro Tempore Cheek asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Item #12 [Parks & Recreation Fees and Charges] was pulled from Consent Agenda.

MOTION by Council Member Clement seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Clement seconded by Council Member Stith to approve the following City Council minutes for the following meeting was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

June 17, 2002 – Regular Meeting

SUBJECT: MAJOR SITE PLAN - L&C PAVILION OFFICES (D02-214)

MOTION by Council Member Clement seconded by Council Member Stith to approve a site plan for a 21,000 sq. ft. office building with 107 parking spaces on the west side of NC Hwy 751 south of NC Hwy 54 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: WORKFORCE INVESTMENT ACT YOUTH SERVICES -
DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION**

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute the contract for youth program with Durham Public Schools Board of Education in the amount of \$167,029; and

To authorize the City Manager to make changes to the contract before executing it as long as the changes do not increase the amount to be paid by the City and do not decrease the services to be provided to the City was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

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SUBJECT: STANDARD FORM OF AGREEMENT BETWEEN THE CITY OF DURHAM AND HADEN STANZIALE, P.A. - DOWNTOWN NORTH/SOUTH TRAIL

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into an agreement with Haden Stanziale, P.A. for the design and consulting services related to the Downtown North/South Trail in an amount not to exceed \$50,460; and

To authorize the City Manager to make changes to the agreement before executing the documents as long as the changes are not less favorable to the City of Durham and do not increase the dollar amount of the agreement was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: SPEED LIMIT REDUCTIONS - BURGESS LANE - SWANESA STREET - WEAVER STREET - ROCHELLE STREET - OXFORD DRIVE

MOTION by Council Member Clement seconded by Council Member Stith to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

- a) On Burgess Lane, from Cornwallis Road to the end of city maintenance
- b) On Swanesa Street, from Eubanks Road to the end of city maintenance
- c) On Weaver Street, from Cornwallis Road to end of city maintenance
- d) On Rochelle Street, from Junction Road to Holloway Street
- e) On Oxford Drive, from University Drive to the end of city maintenance

Ordinance #12651

SUBJECT: SETTING A PUBLIC HEARING TO CONSIDER ORDERING PETITIONED IMPROVEMENT - WATER MAIN ON GRANADA DRIVE

MOTION by Council Member Clement seconded by Council Member Stith to accept a Certificate of Sufficiency from the Manager of Engineering for the following petition; and

To adopt a resolution setting a public hearing for September 16, 2002 for the following improvement was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

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Water Main on Granada Drive - From Pleasant Drive South to Shiloh Drive and Shiloh Drive - From Granada Drive East to the East Property Line of Tax Map 591-2-8.

SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING IMPROVEMENT UNDER ENABLING ACT AUTHORITY - CURB, GUTTER AND PAVING, WATER MAIN, WATER AND SEWER LATERALS ON CHALK LEVEL ROAD

MOTION by Council Member Clement seconded by Council Member Stith to adopt a resolution setting a public hearing for September 16, 2002 for the following improvement was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

Curb, Gutter and Paving, Water Main, Water and Sewer Laterals on Chalk Level Road - From Shaftsbury Street West to Stadium Drive

SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF ASSESSMENT ROLLS - SEWER MAIN ON LEAH LANE - MARYWOOD DRIVE

MOTION by Council Member Clement seconded by Council Member Stith to adopt resolutions setting public hearings for September 16, 2002 for the following assessment rolls was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

Sewer Main on Leah Lane - From North Property Line of Tax Map 773-3-1 to Marywood Drive and Marywood Drive – From Leah Lane to North Property Line of Tax Map 773-5-9

Sewer Main on Marywood Drive - From North Property Line of Tax Map 773-5-9 to Park Place and Park Place - From Marywood Drive to End of Cul-de-sac

Sewer Main on Marywood Drive - From Leah Lane to Rose of Sharon Road and Rose of Sharon Road - From Marywood Drive South to South Property Line of Tax Map 773-1-7

SUBJECT: WATER EXTENSION AGREEMENT - JERRY O. AND WIFE, CAROL H. PAINTER AND EARL J. LATTA – 606 HOYLE STREET

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into a water extension agreement with Jerry O. and wife, Carol H. Painter and Earl J. Latta to serve 606 Hoyle Street was approved at 7:26 p.m. by the

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following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: SEWER EXTENSION AGREEMENT – ERWIN SQUARE - W. P. EAST ACQUISITIONS, LLC

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into a sewer extension agreement with W. P. East Acquisitions, LLC to serve Erwin Square was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - DUNWOODY SUBDIVISION - RIVERDALE DEVELOPMENT, L.L.C.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Riverdale Development, L.L.C. to serve Dunwoody Subdivision was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: ADDITIONAL FUNDING - PHASE I WIDENING OF FAYETTEVILLE ROAD

MOTION by Council Member Clement seconded by Council Member Stith to find that Fayetteville Road Widening is at least 100% necessitated by new construction and that up to 100% of the capital costs of this project may be paid by impact fees collected in the same service zone and collected for the same purpose; and

To adopt "AN ORDINANCE AMENDING GENERAL CAPITAL IMPROVEMENT PROJECT ORDINANCE, AS AMENDED, THE SAME BEING ORDINANCE #12587," that increases revenues and appropriations in the Transportation Section by \$500,000 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

Ordinance #12652

SUBJECT: RESOLUTION AUTHORIZING AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) FOR AN INTERNSHIP

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MOTION by Council Member Clement seconded by Council Member Stith to adopt a resolution authorizing the City Manager to enter into an agreement with the NCDOT for the Apprentice/Intern program; and

To adopt a "City of Durham Grant Project Ordinance – Transportation Apprentice/Intern" in the amount of \$31,701 for the funding of this program was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

Resolution #8901

Ordinance #12653

SUBJECT: POLICE DEPARTMENTS QUARTERLY REPORT TO CITY COUNCIL SECOND QUARTER 02

The Second Quarterly Report from the Police Department was received at the 8-22-02 Work Session.

SUBJECT: POLICE BENEVOLENT ASSOCIATION UPDATE

The report from the Administration on the Police Benevolent Association grievance procedures was received at the 8-22-02 Work Session.

SUBJECT: MANAGEMENT RESPONSE TO THE DELOITTE & TOUCHE ACTION PLAN

The report from the Administration on the Deloitte & Touche Action Plan was received at the 8-22-02 Work Session.

SUBJECT: BARNES AVENUE UPDATE

MOTION by Council Member Clement seconded by Council Member Stith to receive an update on the Redevelopment Strategy for the Barnes Avenue Area from the Administration was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: NELLO TEER ROCK QUARRY - HANSON AGGREGATES EAST

MOTION by Council Member Clement seconded by Council Member Stith to receive a report on the possible acquisition of stored water from Teer Rock Quarry; and

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To authorize the City Manager to enter into an agreement with Hanson Aggregates East to obtain stored water from Teer Rock Quarry, and to authorize changes to such agreement that are consistent with the general purpose and intent of the memorandum on this item and that do not significantly increase the City's liability was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: WALK FOR DIABETES - JUVENILE DIABETES RESEARCH FOUNDATION – SEPTEMBER 21, 2002

MOTION by Council Member Clement seconded by Council Member Stith to amend the Policy Concerning Solicitation of Contributions by the City to authorize City staff to solicit for money, property and service in support of the Juvenile Diabetes Research Foundation's Walk to Cure Diabetes to be held September 21, 2002 in Research Triangle Park was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: NORTH CAROLINA LEAGUE OF MUNICIPALITIES – ANNUAL CONFERENCE – DURHAM, NC – OCTOBER 20 – 21, 2002

MOTION by Council Member Clement seconded by Council Member Stith to amend the Policy Concerning Solicitation of Contributions by the City to authorize City staff to solicit for money, property and services in support of the North Carolina League of Municipalities Annual Conference to be held in the City of Durham, October 20 and 21, 2002 was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: RESOLUTION MEMORIALIZING BESSIE T. JAMES

MOTION by Council Member Clement seconded by Council Member Stith to direct the City Clerk to prepare a resolution memorializing Bessie T. James was approved at 7:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

[GENERAL BUSINESS AGENDA]

SUBJECT: PLAN AMENDMENT – NORTH CAROLINA CENTRAL UNIVERSITY (A02-05)

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To hold a public hearing and receive public comment on amending the South Central Durham Future Land Use Plan; and

To adopt a resolution amending the South Central Durham Future Land Use Plan.

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval (11-0)

Attorney Kenneth Spaulding requested that this matter be deferred to the September 16, 2002 City Council Meeting because property owners did not receive proper notice.

MOTION by Council Member Clement seconded by Council Member Edwards to defer this item to the September 16, 2002 City Council Meeting was approved at 7:28 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: SALES OF 2.4427 ACRES OF CITY TRACT #1635 - UNIVERSITY DRIVE AND LYCKAN PARKWAY - CHRISTOPHER HOWLETT - LOUIS P. GONZALEZ

MOTION by Council Member Stith seconded by Council Member Edwards to accept Christopher Howlett's bid of \$406,002 for City Tract #1635, located at University Drive and Lyckan Parkway, and approve the payment of a 5% commission to Louis P. Gonzalez, the North Carolina licensed real estate broker representing Mr. Howlett was approved at 7:33 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: PARKS AND RECREATION FEES AND CHARGES

Council held discussion on rate increases for the Armory and rate comparison of the Armory vs. Marriott.

MOTION by Council Member Clement seconded by Council Member Stith to adopt a resolution superseding resolution #8679 approving Parks and Recreation Fee changes; and

To adopt "An Ordinance Amending the 2002-03 City of Durham Budget Ordinance As Amended, the Same Being Ordinance 12575 " that increases revenues and appropriations by \$183,645 was approved at 7:41 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Members Best and Edwards. Excused Absence: Mayor Bell.

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**Resolution #8902
Ordinance #12654**

[GENERAL BUSINESS AGENDA]

SUBJECT: HOUSING IMPACT POLICY STATUS REPORT

Council Member Cole-McFadden noted there should be more citizens on the Ad Hoc Committee in order for it to be a fair process.

City Manager Conner noted the administration would report back with membership.

MOTION by Council Member Clement seconded by Council Member Edwards to receive the Housing Impact Policy Status Report from Administration was approved at 7:52 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: TRIANGLE J TASK FORCE

To appoint Thomas A. Stith, Frank M. Duke, Richard Hails, and Charlene B. Montford to the Triangle J Task Force regarding Inclusionary Zoning, with legal support being given by Karen Sindelar and the City Attorney's office, as necessary.

Council Member Edwards requested that she be added to the task force as an alternate.

MOTION by Council Member Clement seconded by Council Member Best to appoint Council Member Thomas A. Stith, Frank M. Duke, Richard Hails, Charlene B. Montford and Council Member Tamra Edwards as an alternate to the Triangle J Task Force regarding Inclusionary Zoning, with legal support being given by Karen Sindelar and the City Attorney's office, as necessary was approved at 7:54 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

[PUBLIC HEARINGS]

**SUBJECT: HOLDING THE PUBLIC HEARING ON THE 2001-2002
CONSOLIDATED ANNUAL PERFORMANCE AND
EVALUATION REPORT (CAPER) DRAFT**

Michael A. Pullum, of the Housing & Community Development Department, made a presentation on this item.

Council held discussion on the goals.

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Mayor Pro Tempore Cheek opened the public hearing.

Diane Wright, of 210 Cherry Grove Street, thanked Council and staff for having a variety of opportunity for home rental and homeownership and urged Council to make a provision to receive input from CAC and the Affordable Housing Coordination Committee concerning the plan.

Lorisa Seibel, representing the Durham Affordable Housing Coalition, submitted a handout noting DAHC recommends that the final version of the CAPER include a table comparing the proposed housing accomplishments contained within the 2000-2005 Consolidated plan against actual housing accomplishments, document all housing activities together and include information concerning public policies which are barriers to affordable housing as well as initiatives that will increase affordable housing in Durham.

Mike Shiflett, of 1308 Broad Street, requested that there be an oversight committee to make sure the money is being spend wisely, spoke in support of increasing fines and penalties and invited Council to attend meetings to see firsthand the work that is being completed by citizens of Durham.

Mayor Pro Tempore Cheek declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Edwards to hold the public hearing on the 2001-2002 Consolidated Annual Performance and Evaluation Report (CAPER) Draft on September 3, 2002 to receive citizen comments was approved at 8:08 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: CONFIRMATION OF ASSESSMENT ROLL – HWY 55 WATER MAIN

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Stith seconded by Council Member Edwards to adopt a resolution confirming the assessment roll for Water Main on NC Hwy 55 - From North Property Line of Tax Map 541-2-2 to South Property Line of Tax Map 541-1-2 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: CONFIRMATION OF ASSESSMENT ROLL –SEWER MAIN ON SOUTH ALSTON AVENUE

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Edwards seconded by Council Cole-McFadden to adopt a resolution confirming the assessment roll for Sewer Main on South Alston Avenue - From North Property Line of Tax Map 406-3-10 to South Property Line of Tax Map 406-3-9A was approved at 8:10 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: CONFIRMATION OF ASSESSMENT ROLL –SEWER MAIN ON SOUTH ALSTON AVENUE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to adopt a resolution confirming the assessment roll for Sewer Main on South Alston Avenue - From South Property Line of Tax Map 406-3-5 to North Property Line of Tax Map 406-3-8 was approved at 8:11 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: CONFIRMATION OF ASSESSMENT ROLL – SEWER MAIN ON SOUTH ALSTON AVENUE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Stith seconded by Council Member Edwards to adopt a resolution confirming the assessment roll for Sewer Main on South Alston Avenue - From South Property Line of Tax Map 555-4-15 to North Property Line of Tax Map 556-4-3A was approved at 8:11 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: STREET CLOSING - LAMBETH CIRCLE (SC02-01)

Dick Hails, of the City/County Planning Department, made a brief presentation on this item.

Mayor Pro Tempore Cheek opened the public hearing

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Dan Jewell, representing the applicant, spoke in support.

Mayor Pro Tempore Cheek declared the public hearing closed.

MOTION by Council Member Edwards seconded by Council Member Clement to receive public comment on closing 591+ linear feet (.98+ acre) of Lambeth Circle, located on the north side of Erwin Road east of LaSalle Street; and

To adopt an order to close Lambeth Circle as identified was approved at 8:13 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

Ordinance #12655

SUBJECT: STREET CLOSING - UNNAMED WALLTOWN ALLEYS (SC01-4)

To receive public comment on closing portions of unnamed alleys in the Walltown area.

To adopt an order to close alleys in the Walltown area as identified.

Dick Hails, of the City/County Planning Department, made a presentation on the closing of 18 alleys.

Mayor Pro Tempore Cheek opened the public hearing.

Alley 1-4

Karen Achanzar, of 1004 N. Buchanan Boulevard, raised a concern that the alley is a stormwater drainage, culvert is not being maintained and the expense will be passed on to property owners when land is deeded to them. She urged Council investigate this section (1-4) further and noted she had not been included in previous mailings because she lives in Trinity Park and not Walltown.

Alley 1-7

Bob Schmitz, of 824 E. Forest Hills Boulevard/902 Sedgefield, expressed a concern that alley is a driveway and is the access to the backyard. He urged Council to not close the first 50/100 yards of the alley.

Alley 1-8

Carol Barber, of 970 Lee Chambers Road – Leasburg, NC/1406 Green Street, spoke in support of closing alley expressing traffic, maintenance and privacy issues.

Bob Schmitz, of 824 E. Forest Hills Boulevard/903 Onslow, noted the alley provides an entrance to parking behind the house and spoke in favor of leaving 50/100 feet of the

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alley open citing safety concerns. Also, he noted there is a large tree in the alley that forces the existing driveway into Mrs. Barber's yard and would be delighted to take the tree out and maintain the alley because it is essential to the use of his house.

Alley 1-9

Peter Childers, of 1205 Watts Street, expressed concern with the alley noting it is infested, there is drainage problem and requires maintenance with heavy equipment beyond what the owners/tenants can handle. Also, he asked Council to reserve this section for further study.

Alley 2-2

Clarence King, of 1420 Broad Street, noted that he would like to see the alley cleared and opened to provide access to the back of his property and asked for information on what the City's intent would be for the alley before he makes a decision.

Alley 2-3

Mike Shifflet, of 1308 Broad Street, noted the decision Council makes will affect not only Walltown but also other alleys throughout Durham. He asked Council to make a wise decision during this process so that we don't end up spending a lot of money doing something we did not want to do.

Alley 2-4

Deb Kenney, of 1318 Clarendon Street, noted she prefers to have trees, doesn't want to have a fence and expressed concern regarding the trash. She urged Council to have the alley cleaned.

Aaron Moore, III, of 1303 Sedgefield Street, expressed concern that dead trees belonging to the City have not been removed and runoff concerns.

Jennifer Smith Wyatt, representing sister/father of 1305 Sedgefield, spoke in opposition to closing the alley until the issue of cleaning has been revisited and other environmental issues addressed.

Serrisa Lyons, 1307 Sedgefield Street, asked the administration if she would be deeded property and if she would be responsible for taking down her fence.

Alley 3-2

Bob Schmitz, 824 E. Forest Hills Boulevard/1609, 1611 W. Club Boulevard, noted the alley is the only access to parking behind townhouse and requested that 30/50 feet of the alley not be closed to allow tenants to have a place to park.

Alley 3-3

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George Glover, Jr., of 1105 Sedgefield, noted the alley is the only access for getting his handicapped wife to the house.

Jerry Taylor, of 1105, 1107, 1109 Berkeley, spoke in support of closing alley but requested the City to clean it first.

Alley 3-4

Marion Moore, of 1006 Sedgefield Street, noted she has the same problems as alley 1-4, gravel is being washed away and expressed trash concerns.

Alley 3-5

Aaron Moore, III, of 1303 Sedgefield, urged the Council to clean alleys.

General Comments:

Bob Chapman, of 2525 Lanier Place, urged Council to keep alleys open and don't deprive this neighborhood of a resource that could greatly improve the neighborhood and property value in the future. He noted the City has nothing to gain by closing these alleys.

Peter Childers, of 1205 Watts Street, noted alleys are useful in maintaining advantages of public access. He opposed closings and asked problematic areas that were identified be sent back to the administration.

Dick Hails, of City/County Planning Department, noted staff's recommendation would be to continue the public hearing without further advertising on these alleys to the December 2, 2002 City Council Meeting to work on the concerns outlined tonight.

MOTION by Council Member Clement seconded by Council Member Edwards to continue the public hearing without further advertising to December 2, 2002 City Council Meeting was approved at 9:08 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

SUBJECT: PLAN AMENDMENT - FOUSHEE TRACT (A02-04)

To hold a public hearing and receive public comment on amending the Triangle Township Future Land Use Plan; and

To adopt a resolution amending the Triangle Township Future Land Use Plan.

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval (9-2)

Steve Cruse, of the City/County Planning Department, briefed Council on the staff report.

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Mayor Pro Tempore Cheek opened the public hearing.

Attorney Jack Markham, representing the applicant, spoke in support of plan amendment making comments on the criteria, noted classification is consistent with 2020 Comprehensive Plan, existing uses and designations. He noted a rezoning petition will come to Council within the next 60 days and urged Council to amend plan.

Mayor Pro Tempore Cheek declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Clement to hold a public hearing and receive public comment on amending the Triangle Township Future Land Use Plan; and

To adopt a resolution amending the Triangle Township Future Land Use Plan was approved at 9:12 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

Resolution #8903

SUBJECT: PLAN AMENDMENT - SHOCCOREE DRIVE (A02-09)

To hold a public hearing and receive public comment on amending the West Northwest Durham Future Land Use Plan; and

To adopt a resolution amending the West Northwest Durham Future Land Use Plan.

Planning Department Recommendation: Approval

Planning Commission Recommendation: Approval (11-0)

T. E. Austin, of the City/County Planning Department, briefed Council on the staff report.

Mayor Pro Tempore Cheek opened the public hearing.

Gyula Mago, of 3822 Shoccree Drive, read a statement from Stephen Hiltner urging Council to amend the plan to low density/residential rather than office.

Daniella Gabriel, of 3911 Shoccree Drive, spoke in support of plan amendment noting this area is not an area to put offices.

Peter Hymas, of 3907 Shoccree Drive, urged Council to approve plan amendment.

Gerald Bowen, of 3838 Shoccree Drive, spoke in favor of plan amendment.

Mayor Pro Tempore Cheek declared the public hearing closed.

September 3, 2002

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to hold a public hearing and receive public comment on amending the West Northwest Durham Future Land Use Plan; and

To adopt a resolution amending the West Northwest Durham Future Land Use Plan was approved at 9:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

Resolution #8904

[ITEM ADDED TO AGENDA]

SUBJECT: DESIGNATION OF FINANCE OFFICER, DEPUTY FINANCE OFFICER, TAX COLLECTOR/COLLECTOR OF REVENUE AND DEPUTY TAX COLLECTOR/DEPUTY COLLECTOR OF REVENUE

MOTION by Council Member Clement seconded by Council Member Stith to adopt resolutions designating the Finance Officer, Deputy Finance Officer, Tax Collector/Collector of Revenue and Deputy Tax Collector/Deputy Collector of Revenue was approved at 9:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Excused Absence: Mayor Bell.

Resolution # 8898 - 8899 - 8900

There being no further business to come before the City Council, the meeting was adjourned at 9:26 p.m.

Linda E. Bratcher
Deputy City Clerk